

Applic. No. 10/653,793
Amdt. dated December 20, 2004
Reply to Office action of September 20, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-15 remain in the application.

In the second paragraph on page 2 of the above-identified Office action, claims 1-3, 6-7, 9, and 10 have been rejected as being fully anticipated by Toshimi et al. (erroneously called Toshiaki in the Office action) (JP 01012018 A) (herinafter "Toshimi") under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

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providing metal foils and forming a void in at least one of the metal foils, and subsequently structuring the metal foils at least partially.

The Toshimi reference discloses the implementation of recesses by drilling a plurality of holes in a metal plate before the winding a metal carrier. Toshimi discloses that "plural holes 50-52 are drilled in the metal carrier catalyzer 20 made up of assembling a flat metal plate 21 and a corrugated metal plate 22 as one body at specified intervals" (abstract constitution). Therefore, Toshimi discloses that the holes are drilled in the corrugated metal plate and the flat plate in the same drilling operation.

The reference does not show providing metal foils and forming a void in at least one of the metal foils, and subsequently structuring the metal foils at least partially, as recited in claim 1 of the instant application. Toshiaki discloses that the holes are drilled in the metal carrier catalyzer, where the catalyzer includes the flat metal plate and the corrugated metal plate. Toshimi does not disclose that the holes are produced even before the structure of the metal foils has been generated. This is contrary to the invention of the instant application as claimed, which recites providing metal foils

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and forming a void in at least one of the metal foils, and
subsequently structuring the metal foils at least partially.

Since claim 1 is believed to be allowable, dependent claims 2-3, 6-7, 9, and 10 are believed to be allowable as well.

Even though claim 1 is believed to be allowable, the following remarks pertain to the non-obviousness of claim 1.

Toshimi does not provide any teaching to a person of ordinary skill in the art to provide holes in the flat plate and a plate that is to be corrugated. This is the case because the Toshimi does not show or suggest producing different size holes in the different plates, which is necessary to create a sensor inserting hole of a consistent size. Therefore, a person of ordinary skill in the art would not have any motivation to provide holes in the plates of Toshimi prior to structuring the plates. This is contrary to the invention of the instant application as claimed, which recites providing metal foils and forming a void in at least one of the metal foils, and subsequently structuring the metal foils at least partially.

In the third paragraph on page 3 of the Office action, claims 4-5; 8, and 11-15 have been rejected as being obvious over

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Toshimi (JP 01012018 A) under 35 U.S.C. § 103. Since claim 1 is believed to be allowable, dependent claims 4-5, 8, and 11-15 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-15 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &
Greenberg P.A., No. 12-1099.

Respectfully submitted,


For Applicant(s)

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